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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,875	05/05/2005	Mitsutoshi Shionoya	1089.0560000/ALF	8000

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EXAMINER
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OBEID, MAMON A

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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09/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,875	<b>Applicant(s)</b> SHIONOYA ET AL.	
	<b>Examiner</b> MAMON OBEID	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1- 3 and 5- 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 3 and 5- 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination (“RCE”) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 8, 2008 has been entered.

### ***Acknowledgements***

2. This communication is in response to the RCE noted above.
3. Claims 1-3 and 5- 8 are pending and have been examined.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1 recites the limitation: “*the step of presenting the acquisition code includes, each time a content reproduction request is received from the viewer;*” which renders the claims vague and indefinite. The above recited limitation is not

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a positive recitation. One of ordinary skill in the art would question what happens each time a *content reproduction request is received from the viewer*. Does the acquisition code changes for every request? Or when there is a reproduction request, an acquisition code is presented. For the purpose of this examination, the Examiner interprets the above recitation as if the acquisition code is presented every time a reproduction request is received. Appropriate correction is required.

b. The term "position information" (e.g. claim 6 recites "position information for the server") which renders the claim indefinite. The term "position information" is not defined by the claim, the specification does not lexicographically define the term, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. If Applicant believes that the term "position information" is old and well know in the art, should expressly state on the record that the claim term is old and well known in the art and provide appropriate evidence in support thereof (e.g. a U.S. Patent). Upon receiving an adequate indication and appropriate evidence that this term is old and well known in the art, this particular 35 U.S.C. 112, second paragraph will be withdrawn.

c. Claim 6 recites "wherein position information for the server" which lacks sufficient antecedent basis in the claims. Appropriate correction is required.

***Claim Rejections – 35 USC § 103***

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1- 3 and 5- 8, as understood by the Examiner, are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Colvin (U.S. Patent No. 6,799,277 B2) ("Colvin") in view of Braitberg et al. (U.S. Patent No. 6,631,359 B1) ("Braitberg") and further in view of Umeda et al (U.S. Patent No. 5,581,547).

8. **As per claims 1, 3 and 8:** Colvin discloses the following:

- a. presenting an acquisition code prerecorded on said information recording medium to a viewer desiring to view a viewing management target content (figure 1a and related text; column 9, lines 54- 66) ;
- b. receiving a password acquired by the viewer from a server computer based on the acquisition code (figure 2 and related text; column 3, lines 1- 39));
- c. starting the reproduction of said viewing management target content via an authentication process based on the password (column 7, lines 32- 65));
- d. wherein a password management table associating said password with said acquisition code is prerecorded on said information recording medium (figures 3, 4a- 4b, 14b and related text);

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- e. the step of presenting the acquisition code includes, each time a content reproduction request is received from the viewer:
  - f. said prescribed reproduction device generating a random number based on a prescribed random function (column 9, lines 54- column 10, lines 1- 18).
  - g. said prescribed reproduction device selecting and presenting an acquisition code corresponding to the generated random number from the password management table.
9. Colvin does not expressly disclose recording the password table in the recording medium. However, Braitberg discloses recording license information onto a recording medium (figure 2 and related text; column 11, lines 5- 17)
10. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Colvin's teachings to include recording a license information such as password table on the recording medium and disclosed by Braitberg to enable the copyright holder updating, controlling or correcting the control information (license information) previously prerecord on a recording medium to increase content security and to reduce content piracy (see Braitberg at column 6, lines 8- 14; column 14, lines 39- 46).
11. Colvin further discloses password sequence lookup table **210** and **218**, each including an initial registration password and related passwords associated with

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subsequent authorization intervals (column 12, lines 12- 27). Colvin further discloses a unique, random identifier field **592** (figure 13a). Colvin further discloses an authorization table or database **670**. The database may include fields to identify each copy of the installation media **672** (e.g. random number) along with corresponding activation keys **674** and encryption keys **676** (figure 14b and related text). Braitberg further discloses generating an identifier using a random function (column 13, lines 60- 66).

12. The combination Colvin/ Braitberg does not expressly disclose selecting and presenting an acquisition code corresponding to the generated random number from the password management table. However, Umeda discloses randomly selecting and presenting one of the spreading codes (**c1-c3**) for each transmission (column 8, lines 13, 18; column 9, lines 7- 21; figure 12).

13. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the combination's (Colvin/ Braitberg) teachings to include the step of randomly selecting a spreading code (e.g. corresponding to applicants' "acquisition code") corresponding to a random number disclosed by Umeda to decrease the probability of using the same acquisition code by multiple users thereby increasing efficiency (Umeda: column 3, lines 18- 26). Another motivation is to prevent the legal consumer from distributing the "acquisition code" to

illegal consumers (e.g. acquisition code is variable) and hence preventing content piracy and generating more revenues for content providers and distributors.

14. **As per claim 2:** Colvin discloses *when said viewer acquires the password from said server computer, a viewing fee of said viewing management target content is charged to said viewer* (column 21, lines 9- 30).

15. **As per claim 5:** Colvin discloses the following:

- a. *wherein said server computer comprises a viewing management database containing a table corresponding to said password management table (figures 3, 4a- 4b, 14b and related text), and*
- b. *wherein a prescribed password corresponding to the prescribed acquisition code received from the information terminal device of said viewer is specified by referring to said viewing management database, and the prescribed password is presented to said viewer (figures 3, 4a- 4b, 14b and related text).*

16. **As per claim 6:** Colvin discloses the following:

- a. *wherein position information for the server is recorded on said information recording medium(column 18, lines 30- 41), and*
- b. *said prescribed reproduction device presents said prescribed acquisition code together with said prescribed position information (figures 3, 4a- 4b, 14b and related text).*



17. **As per claim 7:** Colvin discloses *wherein said viewing management method further comprises a step of urging said viewer to select a viewing management target content* (figure 8 and related text).

18. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 1- 3 and 5- 8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.

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20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mamon Obeid  
Examiner  
AU 3621  
September 12, 2008

/EVENS J. AUGUSTIN/  
Examiner, Art Unit 3621